

[Advisory Opinion 1996-11]

May 30, 1996

[Name1 withheld]

Dear [Name1 withheld]:

The Ethics Commission has addressed your correspondence of March 22, 1996 in which you request the Commission's review of a potential conflict of interest with respect to your membership on the Water Quality Advisory Group and your private business. The Water Quality Advisory Group provides advice to the County with respect to the management of its watershed and other general water quality matters.

According to your letter, you manage the Center for Watershed Protection, a non-profit organization that provides technical support to local, state and federal agencies. The Center for Watershed Protection is a potential subcontractor to the County Department of Environmental Protection for the Rock Creek Watershed Study.

As a member of the County's Water Quality Advisory Group, you are governed by the Montgomery County Ethics Code See Article 19A-4(m). Article 19A-11 addresses conflicts of interest and identifies when a public servant (including a volunteer) must refrain from participating in his public responsibilities due to a conflict of interest. The facts presented in your letter suggest that you may not be able to participate in certain matters that specifically relate to your non-profit organization or the Rock Creek Watershed Study. You should not vote to approve specific contracts involving your non-profit organization. In addition, you should not participate as a member of the Water Quality Advisory Group in matters involving the selection of a contractor when your organization has an interest or may have an interest in the contract, nor should you participate in drafting the terms of a County contract upon which your organization is likely to bid. If your organization becomes involved in the Rock Creek Watershed Study, you may participate in matters affecting that study if you fully disclose the non-profit's involvement in the study. To the extent that the Water Quality Advisory Group addresses general matters of advice and policy and does not specifically affect your private business, the ethics law does not prohibit your participation.

I hope that you will find this letter responsive. If you need advice or a waiver regarding more specific circumstances, please contact the Commission.

Sincerely,

[signed]

Laurie B. Horvitz, Chair

LBH/jlw